United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

In the District Court of the United States

for the District of Columbia

Brief for Appellant

No. 15,889

United States Court of Appeals
For the
District of Columbia Circuit
FILED NOV 17 1958
Stephen Mitchell
CLERK

7771

Nathaniel J. Barker,
Appellant,
v.
United States of America,
Appellee.

Appeal from the United States District Court
for the District of Columbia

United States Court of Appeals
For the District of Columbia Circuit

No. 15889

Jurisdictional Statement

Appellant was arrested at 10 P.M. on September 11, 1957 and first charged with investigation, Second with narcotic Vagrancy, and Later with Forgery.

During the questions, after arrest for investigation and examination of Appellants name, Appellant was then charged with narcotic Vagrancy. Upon further questioning, and upon handwritings requested by the Treasure agents, Appellant was charged the with forgery.

Appellant plead guilty and waived Counsel, and indictment after promise by the Treasure agents, Mr. Rothans, and Mr. Parker, said he Could get Low bond and medical Treatment to which Appellant agreed.

Appellant went to Court and entered his plea on October 30, 1957 was sentence on November 22, 1957, to 2 to 7 years for forgery and uttering. Appellant filed motion to set aside Judgement and be permitted to withdraw guilty plea on March 3, 1958, denied March 6, 1958. Appellant filed again on March 13, 1958, pursuant to section 2255, and denied April 15, 1958

Appellant filed again on May 2, 1958. Allowed to proceed. The case reversed and remanded on November, 26, 1958.

See, Hinton V. U.S. ___ U.S. App. D.C. ___, 262 F. 2d 33 (November, 26, 1958)

Statement of Case

[illegible] Robinson of Dalton, was arrested on [illegible] and charged with [illegible] his girl friend and children about 2 a.m. After arriving at the police station he [illegible] with investigating officers. During the questioning of the defendant he [illegible] and [illegible] the police officers. He was then placed in a cell. Later that morning he was taken before the Municipal Court Judge where he was [illegible] and released on bond. He was told to appear in court on [illegible] at 9 a.m. for his arraignment. He was told that he might want to hire an attorney to represent him at that time. He did not have an attorney present at the arraignment. He was told that he would be notified of the date of his trial. He was also told that he would be notified of the date of his trial. He was also told that he would be notified of the date of his trial.

The defendant contends that he was not informed of his rights and that he was not given a chance to call an attorney. He also contends that he was not given a chance to call his family. He also contends that he was not given a chance to call his family. He also contends that he was not given a chance to call his family.

The defendant contends that he was not informed of his rights and that he was not given a chance to call an attorney. He also contends that he was not given a chance to call his family. He also contends that he was not given a chance to call his family. He also contends that he was not given a chance to call his family.

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Mr. Justice Stanley delivered the opinion of the Court.

Petitioner was convicted in the District Court of the United States for the Southern District of California, Central Division, of violating § 2(a) of the Act of August 3, 1954, 68 Stat. 775, 18 U.S.C. § 1261(a), which prohibits the transportation in interstate commerce of any person for the purpose of prostitution, debauchery, or any other immoral purpose. The sufficiency of the indictment was challenged by a motion to dismiss, which was denied. The Court of Appeals for the Ninth Circuit affirmed the conviction, 252 F.2d 362, and we granted certiorari, 357 U.S. 925, 78 S.Ct. 1368, 2 L.Ed.2d 1368, because of the importance of the question presented in the administration of the statute.

The indictment charged that petitioner, a married man, induced a woman not his wife to travel from Los Angeles, California, to Las Vegas, Nevada, for the purpose of prostitution, debauchery, and other immoral purposes. It did not charge that petitioner induced the woman to cross a state line with the intent that she would thereafter engage in prostitution, debauchery, or other immoral practices. Petitioner argues that the statute requires such an intent, and that the indictment is therefore fatally defective. The Government argues that the statute requires no such intent, and that the indictment is sufficient.

Affirmed.

Mr. Justice Douglas, dissenting.

I would reverse this conviction on the authority of Caminetti v. United States, 242 U.S. 470, 37 S.Ct. 192, 61 L.Ed. 442. In that case we construed the Mann Act, 36 Stat. 825, 18 U.S.C. § 2421 et seq., which is the same as the statute involved here except that it applies to interstate transportation of women for immoral purposes. We held that the Act was not violated unless the transportation was with the intent that the woman would thereafter engage in prostitution, debauchery, or other immoral practices. We said that the Act was not violated where the transportation was for the purpose of marriage, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of employment, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of medical treatment, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of education, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of religious worship, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of recreation, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of business, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of pleasure, even though the woman was a prostitute and the man knew it. We said that the Act was not violated where the transportation was for the purpose of any other lawful purpose, even though the woman was a prostitute and the man knew it.

Order

Statement of Case II
Questions Presented III
Argument 1
Conclusion 9

Citations of Case

Easton v. United States ... 74 S. Ct. 202, 22 33
(Mar. 26, 1958) 1, 2, 5, 10,
Cobeck Engineering, 2 Cir., 224 F. 2d (Nov.) 7
F. 2d 178-182. 8

Statutes Involved

28 U.S.C. Sec. 1254(1) 1
28 U.S.C. Sec. 2101(c) 4

Questions Proposed

1. Define Isothermal Line. Draw one and explain what it represents in Isothermal Drifting. Prove that the slope will vary as $\frac{1}{R}$.

2. Define Specific Heat of a gas. Write down the formula for the Specific Heat at constant volume, and explain the meaning of the symbols employed.

3. What is the mechanical value of the Latent Heat of Expansion of Steam? Describe a method of ascertaining experimentally the value of this Latent Heat. Explain the significance of your result.

[illegible] assured that [illegible] grateful to expand the facts.

Since Mr. Mattingly did not [illegible] to verify the facts by cross-examination, as [illegible] Mr. Mattingly's testimony [illegible] Mr. Mattingly's testimony [illegible] Mr. Mattingly also stated that [illegible] in the affidavit [illegible] Mr. Mattingly failed to make [illegible] that [illegible] his hands of each day is noted [illegible] passage [illegible] Mr. Mattingly's testimony [illegible] of Mr. Mattingly (Tr. 65 and 78) [illegible] Mr. Mattingly [illegible] requirement [illegible] Mr. Mattingly [illegible] 1956. Mr. Mattingly also stated that

at the time when the confessions were signed
this case became positive fact proved by
the evidence presented by Mr. Pike, Esq. from
the department of Santa Fe, from the jail
inferno records on October 2, 1957, of which
appellant is presenting a certified copy herein.
This offers pertinent proof as to appellant's motivation
regard to present and state of mind at the time
appellant committed the act on the 19th of September, 1957.
when appellant was put out of the jail infirmary.
Creating a issue of competency, and a deliberate lie
under oath. See his statement diverting from the
facts as shown by the records.
Judge Latta, on January 23, 1958, denied a Motion
presented by appellant, that was remanded
remanded by the appeals court. See Hatahley v.
United States, 95 S. Ct. 2d, 1962, at 39.
Stating that State, was the full possession of his
mental faculties, and knew what he was doing in
the perpetration of the confessions.
And the case went back to the appeals court.
And the appeals court granted leave to proceed
again on August 3, 1959. holding the motion in
abeyance, on November 3, until the case remanded
back to the district court with instructions to afford
the appellant an opportunity to present as further
hearings evidence as matter relating to his condition
at the time he confessed on October 12, 1957. and
at the time he entered his plea of guilty on October
30, 1957.
On these facts of the case before the remand and
remanded of the case. Every element of proof from
the commissioner, the agents, Mr. Burka, Asst. U.S.
Attorney, and the hospital records showed that
appellant was suffering narcotic withdrawal.
See, Keiser v. United States, Misc. No. 1240

once more appellant Robert Hall asks this Court to check the record and opinion in the former proceedings of record at page four (4) par. (2) and (3) which reads as follows:

"Appointed Counsel [sic] ineffectiveness is supported by the fact that he could have proved that petitioner was sufferd from the use of heroin on Sept 12 1957 (This being after the confession was obtained by the agents) If he would have requested that the records of the hearing before the Commissioner, and in support of petitioner (sic) claim of being under the influence of narcotics at the time of the confession, and that the confession was the product of improper inducement by law enforcement officers."

This is the result of sworn statements by the Appointed Court Clerk statements by Justice Department Agents in support of the elements that appellant was under the influence of narcotic withdrawals, and suffering the agonizing pains, referring to the three principle people of the agents Mr. Bodkin, and Mr. Parker. the appellant Signature on the confession which they carried.

This further stated in par. (3) in part on page (1) "Since petitioner claims that he was addicted to Narcotics and was withdrawing on Sept 12, 1957. He consulted the Assistant United States attorney who appeared at the arraignment, and appointed by the Court of the United States Commissioner, to recommending medical treatment."

This appears to be a pertinent proof by the Assistant United States attorney (Mr. Burka) and the United State Commissioner (Mr. Sloane) of the appellant condition on September 12, 1957.

The file and record well reveal also on page (2). of the opinion of the referee, Part 2 of Pet. Ex. 1.

"Upon the hearing the Court [illegible] Petitioner [illegible] Petitioner [illegible] Petitioner shall have leave to file a petition for writ of habeas corpus in this Court, which petition shall be filed on or before September 12, 1952, and the Court reserves jurisdiction over the matter pending the filing of such petition."

Upon examination of the records further, it will be found that petitioner has timely availed himself of every remedy afforded by the two most important officials, affirming on the hearings. The U.S. Commissioner, and the Assistant U.S. Attorney. Petitioner appeals to this Court in writing with the assistance of counsel. Upon the hearing before this Court petitioner was represented by counsel. Petitioner has not been deprived of any of his constitutional rights.

The cases cited and relied upon by petitioner regarding the powers of the Territorial Legislature, Nothing in the enforcement of such laws is not in accordance with the interpretation of the Constitution.

See Kahoa V. Hurgrave, 6 Hawaii 268, 378. (1821)

The (Joint Referee) of October 30, 1957. Judge Smith, J. Supra, treating at pages 2 (?) page (?) under Petitioner's argument that the Territorial Legislature is prohibited in pursuance to the law under the Constitution and it [illegible] to:

On this Smith [illegible] argument with the Assumption that the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness.... And these Catholic that these principles are fundamental, Sound the Amendment of the United States,

In the Probate Court the attorney
of Justin Rogers in the Estate of the Late
Edward Lee Thornton Deceased by the Probate
Court Rule Nisi Entered on 3/1/69. At Page (4) Box (2)
Petitioning the Termination of Conservatorship
Heretofore Granted to Petitioner.

The recommendation of medical Expert
of the Conservatee that the Conservatorship
Estate be terminated. His attorney Mr.
Justin Rogers has petitioned the Court
for the Termination of the Conservatorship
Estate. Mr. Rogers has presented to the Court
Declarations of Conservatee and Physician
Dr. Lewis Bernstein M.D. Which Declarations
Recommend the Termination of the Conservatorship
Estate. The Court Finds that the Conservatee
is able to manage his own affairs and that
the Conservatorship Estate should be terminated.

It is Ordered, Adjudged and Decreed that
the Conservatorship Estate of Edward Lee
Thornton be terminated and that the Bond
of the Corporate Surety, Pacific Indemnity
Company be exonerated. Dated: 3/13/69.

Roger Huff Judge
Superior Court

Certificate of Service

Appellant, hereby Certify that a copy of the foregoing Brief, has been mailed to Mr. Oliver Gasch, U.S. Attorney. United States Courthouse, Washington D.C.
This--- day of November, 1960.

Raymond L. Watson
Pro. Se

Subscribed and sworn to before me this 24 day of November, 1960, at Boston.

Lacy W. Sutherlin Jr.
Notary Public, Virginia

My Commission Expires December 18, 1961

This is a certified copy of the original letter received from Mr. Pye, Esq: Encl of brief
By Raymond J Watson

October 7, 1959

Mr. Raymond J. Watson
Register No. 19461
Box 25
Lorton, Virginia

Dear Mr. Watson:

I have received your letter of September 27, 1959. I have taken the following steps pursuant to my representation of your cause. "We now have letters from the Prison Hospital and the Prison indicating that you were suffering from the withdrawal of heroin symtoms, and that Agent Parker had visited you." Neither of these matters, however, are in the official record of your appeal and could not be considered by the appellate court. The only matters which could be considered by the appellate court are the matters contained in your affidavits and in the transcript of the January hearing. If the appellate court considered these matters, they would not on the present appeal be able to order your release. The most that could be done would be to order a new hearing.

Under these circumstances, I moved for continuance within which to file a statement of points on appeal and made a motion to stay the present appeal (that is, to hold it in abeyance) and for permission to file a new petition under 28 United States Code s2255. If this is granted, it will permit us to get into the record the statements of the prison officials which corroborate your story. If it is not effective, we can still continue the present appeal. Enclosed you will find a copy of our motions.

The Government has not opposed my motion to stay the appeal, and the court has not yet ruled on the motion.

Yours very truly,

A. Kenneth Pye

AKP:mlh
Enclosures

Subscribed and sworn to before me this November ___ 1960

_____
Notary

United States Court of Appeals
For The District of Columbia Circuit

Counter Brief On Behalf Of Appellee Requesting Affirmance

United States Court of Appeals
For the
District of Columbia Circuit

FILED DEC 1 1960

Joseph W. Stewart
CLERK

No. 15,889

Raymond J. Catoe, Appellant

v.

United States of America, Appellee

Appeal from the United States District Court for the District of Columbia

Comes now the Appellant, Raymond L. Slaton in Person, & Appears to Move the Court to grant his request to Affirm, or Dismiss the Appellate proceeding now before this Honorable Court.

The Appellant appearing to Affirm, or Dismiss the proceedings previously instituted by Appellee, Wilma M. Mackey of the Constitution of the State of Texas, Article V, Section 8, the Appellant has the right to withdraw his appeal at any time before the decision of the Court. Having the power to do so, the Appellant now withdraws his appeal and requests that the Court enter an order dismissing the appeal, pursuant to Rule No. 391 of the Texas Rules of Civil Procedure.

The Appellant would show that the Appellee will not be prejudiced by the granting of this motion, and that the Appellant will pay all costs of court.

Wherefore, premises considered, the Appellant prays that this Honorable Court grant his motion to withdraw his appeal, and dismiss the proceedings now pending before this Court.

Respectfully submitted,

Raymond L. Slaton
Appellant
Pro se

Subscribed and sworn to before me by the said Raymond L. Slaton on this the 15th day of May, A.D. 1958.

Notary Public in and for Harris County, Texas

Stating "As a matter of law appellant was not
entitled to trial by jury on the issues raised by
his petition." The rights to compel and to
demand jury trial are separate and distinct rights
to be asserted at different times in the course
of the proceedings. The appellant's demand
for jury trial was not timely made under Rule
216(a) since it was not made within ten days
after the last pleading directed to such issues
was required, permitted or filed, whichever occurred
last. The appellant's demand for jury trial was
not timely made under Rule 216(a) since it was not
made within ten days

Exhibit These Letters of information from the Brief pending there back with a letter stating that he possessed no authority to file them thereby violating Rule 3(d) General Rules of this Court, which states in pertinent part.

The Clerk shall not permit any original records, papers, to be taken from the Court room or from his office without an order from the Court or a Judge thereof.

Rule 3(B) states, "Neither the Clerk nor his assistants shall engage in the practice of law."

The action of the petitioner in retaining a part of the Appellees Brief, after being requested to return it, and at the direction of a Judge thereof.

Especially being the assumptions of Judge, District Attorney, and Lawyer in the practice of that part of law, which his office forbids by the Appeals Court stating offering also proof of practice, while in the employment of papers from the Court, by mentioning or deleting the pages, lines and Motions, that which is intended for the Courts, appears violating U.S. Public Law Code 702. Chapter 1504. which states as follows.

"Who ever taken any letter, postal card, or package out of any post office, or any authority depository for mail matter, or from any letter, or mail carrier, or which has been in any post office, or authorized depository or in the custody of said mail, or letter carrier before it has been delivered to the person to whom it was directed with the design to obstruct the correspondence or to pry into any business, or secrets of another, or open, secrete, destroy, or destroy the same, shall be fined."

This writ and brief was intended for the Court
plainly and specifically conveying the intention and
purpose that Mr. Robert L. Ray Mr. Carl E. Bolton, had
no authority to take from the hip the petition
by it was sent to contain that prior required
by the Court.
Upon such being his Court's review he signed his
name (s) specifically stating the reason and cause
for the copy of this letter from Mr. Ray, Esq. the
Counsel in substance that:
"Having been informed by Mr. Mattingly testimony and
supporting the testimony of Mr. Ernest, the Examining
Psychiatrist at Fort Lee, September, the, 1957.
She shows also illegal and improper practice in
the absence of the law of the District Attorney's
office in cases like the one [illegible] and
for which reason Mr. Bolton, has no right
authority for his act to subpoena the services
of the psychiatrist. Mr. Bolton, has no right
to the part of the patient, and his office owning to the
request of the great reading of the Jail Hospital
record, is withdrawn from Mr. Ray."
She attorney can not be heard as matters of
law. But must be considered as a form of conference
by two persons dealing with this Court. And determined
to the meanings of the Constitution, and that for
which it stands.
Upon the request of this Court, appellant can
produce original letters as proof of the allegations
against the Marks office, and the District attorney
office that they did compose, and take from the

original brief. The text of two of her decrees. That supports the statement of Regina v. Hancock at the time of sentencement of the Appellee. The Court's note upon the document, it says it to be.

The Appellant's Motion can not be sustained in view of this Court's decision of Feb. 4, 1957. The Appeal is therefore dismissed. Sept. 12, 13, 1957.

Conclusion

1. The instant Appeal is not frivolous, because it falls within the scope of Ewell v. Daggett, 247 U.S. 459, S. Ct. 532) Appellant is a Pet. Army Lawyer, Has been accused against Trial and Counsel, which denied Appellant of the process of Law. And he was sentenced to seven years sentence in writ.

2. Appellant contends the instant Appeal is not frivolous because Appellant is still entitled to review and consideration by the Court with the assistance of Counsel. Thus Due Process Law Appeal is pursuant to C.F. Glasser v. United States, 315 U.S. 60, 76, 62, S. Ct. 457, 86 L. Ed. 680.

3. Appellant contends that the instant Appeal is not frivolous, because the Law of writ of the practice of "Domestic" who had ordered Trial and accused Appellant to the guilty while under the influence of Liquor. Thus, the proceedings were to be conducted in accordance to law Rule 12 F. 2d 12. Rule, Courts, Miles, and Petitions. This Appellant had no counsel for his defense at all. Thus Appellant convictions is void, C.F. Glasser v. United States, 315 U.S. 60, 76, 62.

2. The Spirit is not subject, because Christ was
under the influence of sin but was led by the
Spirit. Matthew 4:1 Then was Jesus led up of the
Spirit into the wilderness, to be tempted of the devil.
Luke 4:1 And Jesus being full of the Holy Ghost returned
from Jordan, and was led by the Spirit into the wilderness
Romans 8:14 For as many as are led by the Spirit of God,
they are the sons of God. Galatians 5:18 But if ye be led of the Spirit,
ye are not under the law.

3. The spirit is not subject, because the Lord Jesus
had power over the spirit and could cast out
evil spirits. Matthew 8:16 When the even was come, they brought unto him many
possessed with devils: and he cast out the spirits with his word,
and healed all that were sick: Luke 4:36 And they were all amazed, and spake among
themselves, saying, What a word is this! for with authority and power he commandeth
the unclean spirits, and they come out. Luke 8:29 (For he had commanded the unclean
spirit to come out of the man. For oftentimes it had caught him: and he was kept bound
with chains and in fetters; and he brake the bands, and was driven of the devil into the wilderness.)

Respectfully
Elizabeth Eakes

Certificate of Service

I hereby certify that a copy of the foregoing Answer has been mailed to the State Bar, U.S. Courts, United States Courthouse, Washington, D.C.

Stephen H. Klein
Pro-Se

Subscribed and sworn to before me this 2nd day of October, 1950, at Erie.

Notary Public Virginia

My Commission Expires December 18, 1951